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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,255	08/28/2001	Michael Hoch	SONY-00000	6212

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EXAMINER

LAYE, JADE O

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/942,255	HOCH ET AL.	
	Examiner	Art Unit	
	Jade O. Laye	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

I. Applicant's amended Drawings and Claims, dated 12/16/05, have been entered and made of record.

Response to Arguments

II. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection, which is necessitated due to Applicant's amended claim language. Accordingly, **THIS ACTION IS MADE FINAL**.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

III. Claims 1, 5-8, 10, 11, 15-18, 20, 21, 25-28, 30, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by *Hassell et al.*

As to Claim 1, *Hassell et al* disclose an interactive electronic program guide ("EPG") and system, which provides an MPEG/PID (i.e., elementary video feed) composite video feed and a plurality of assets (i.e., data) associated with said video feed. Moreover, the system obtains user profile data, which is used to determine which assets to display and where to align and scale said

assets. (Abstract; Fig. 6-8, 11A/B, 16, 18A, 31, & 32; Pars. [0010-0014, 0089, 0092, 0106, 0107, 0116, 0151]). Accordingly, *Hassell et al* anticipate each and every limitation of Claim 1.

Claims 11 and 21 correspond to the method Claim 1. Thus, each is analyzed and rejected as previously discussed.

The limitations of Claims 7, 17, and 27 are inherent in light of the limitations of Claim 1. Thus, it is also analyzed and rejected as previously discussed.

As to Claim 5, *Hassell* further teaches the use of a remote control. (Par. [0084]). Accordingly, *Hassell et al* anticipate each and every limitation of Claim 5.

Claims 15 and 25 correspond to the method Claim 5. Thus, each is analyzed and rejected as previously discussed.

As to Claim 6, *Hassell* further teaches the use of a keyboard. (Par. [0084, 0109]). Accordingly, *Hassell et al* anticipate each and every limitation of Claim 6.

Claims 16 and 26 correspond to Claim 6. Thus, each is analyzed and rejected as previously discussed.

As to Claim 8, *Hassell* further teaches that some interactive applications can be implemented on the set top box. (Par. [0081, 0082]). Accordingly, *Hassell et al* anticipate each and every limitation of Claim 8.

Claims 18 and 28 correspond to the method Claim 8. Thus, each is analyzed and rejected as previously discussed.

As to Claim 10, *Hassell* further teaches the broadcaster may define the asset display. (Par. [0106]). Accordingly, *Hassell et al* anticipate each and every limitation of Claim 10.

Claims 20 and 30 correspond to the method Claim 10. Thus, each is analyzed and rejected as previously discussed.

As to Claim 36, *Hassell* further teaches the transmitted data (i.e., assets) may be dynamically altered. (Par. [0089, 0136, 0141, & 0142]). The remainder of the limitations are encompassed within the rejection of Claim 1. Accordingly, *Hassell et al* anticipate each and every limitation of Claim 36.

The limitations of Claim 37 are encompassed within those of Claim 1. Thus, it is analyzed and rejected as discussed therein.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

IV. Claims 2-4, 12-14, 22-24, 31, 32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hassell et al* in view of *Sahota*. (US Pat. Pub. No. 2002/0010928).

Claim 2 recites the method of Claim 1, wherein the composite video feed comprises meta data and meta tags associated with the plurality of display regions. As discussed above, *Hassell et al* anticipate each and every limitation of Claim 1, but fail to specifically recite the limitations of Claim 2. However, within the same field of endeavor, *Sahota* discloses a similar system which integrates meta tags and meta data into television broadcasts. (Par. [0042]). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's

invention to combine the systems of *Hassell* and *Sahota* in order to provide a system which seamlessly integrates video and interactive data.

Claims 12 and 22 correspond to the method Claim 2. Thus, each is analyzed and rejected as previously discussed.

As to Claims 3 and 4, the Examiner takes Official Notice that, at the time of Applicant's invention, it was well known that metadata is used as an HTML tag. Therefore, since HTML tells web browsers how to display elements on a web page via the use of tags, it is inherent the metatags (i.e., metadata) of *Sahota* be used to define where assets (regions, frames, etc.) are to be placed. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combined systems of *Hassell* and *Sahota* to further include HTML metadata, thereby providing a system which can specify spatial and temporal relationships between objects and scenes.

Claims 13 and 23 correspond to the method Claim 3, while Claims 14 and 24 correspond to the method Claim 4. Thus, each is analyzed and rejected as previously discussed.

Claims 31 and 32 contain limitations which are combinations of limitations from Claims 1 and 2. Thus, in so far as they correlate, each is analyzed and rejected as discussed therein.

The limitations of Claim 38 are encompassed within those of Claims 2-4. Thus, it is analyzed and rejected as discussed therein.

V. Claims 9, 19, 29, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hassell et al* in view of *Eleftheriadis et al.* (US Pat. No. 6,044,397).

Claims 9 recites the method of Claim 8, wherein the presentation engine is based on a declarative markup language. As discussed above, *Hassell et al* anticipate each and every limitation of Claim 8, but fail to specifically discuss the limitations of Claim 9. However, within the same field of endeavor, *Eleftheriadis et al* teach that it was well known in the art to utilize VRML (another markup language) to specify spatial and temporal relationships between objects and scenes. (Col. 2, Ln. 51-Col. 3, Ln. 5.). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Hassell* and *Eleftheriadis*, thereby providing a system capable of specifying the temporal relationship between objects and scenes.

Claims 19 and 29 correspond to the method Claim 9. Thus, each is analyzed and rejected as previously discussed.

Claim 33 recites the method of Claim 9, wherein the declarative markup language comprises VRML. As discussed above, the combined systems of *Hassell* and *Eleftheriadis* render obvious all limitations of Claim 9, and *Eleftheriadis* further teaches the use of VRML to specify spatial and temporal relationships between objects and scenes. (Col. 2, Ln. 51-Col. 3, Ln. 5). Accordingly, the combined systems of *Hassell* and *Eleftheriadis* disclose all limitations of Claim 33.

Claims 34 and 35 correspond to Claim 33. Thus, each is analyzed and rejected as previously discussed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye

Initials: JO

February 1, 2006.



VIVEK SRIVASTAVA
PRIMARY EXAMINER